

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARITZA L. RENFREW,

Plaintiff,

v.

No. 1:24-cv-00586-WJ-DLM

CITY OF ALBUQUERQUE,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff, who is proceeding *pro se*, filed her Complaint using the form “Civil Rights Complaint Pursuant to 42 U.S.C. § 1983.” *See* Doc. 1, filed June 10, 2024 (“Complaint”). The only factual allegations in the Complaint state: “Injury to my neck due to sudden braking in the SunVan . . . I have seen several doctors and have to have neck surgery to repair the damage.” Complaint at 3.¹

United States Magistrate Judge Damian L. Martinez notified Plaintiff that:

The Complaint should be dismissed for failure to state a claim pursuant to 42 U.S.C. § 1983. “The two elements of a Section 1983 claim are (1) deprivation of a federally protected right by (2) an actor acting under color of state law.” *Schaffer v. Salt Lake City Corp.*, 814 F.3d 1151, 1155 (10th Cir. 2016). There are no allegations that the City of Albuquerque deprived Plaintiff of a federally protected right.

Order for Amended Complaint at 2, Doc. 5, filed June 12, 2024. Judge Martinez ordered Plaintiff to file an amended complaint. *See* Order for Amended Complaint at 4 (notifying Plaintiff that failure to timely file an amended complaint may result in dismissal of this case). Plaintiff did not file an amended complaint by the July 3, 2024, deadline.

¹ Sun Van is a public transportation service operated by the City of Albuquerque for people with disabilities who cannot use regular buses.

The Court dismisses this case because the Complaint fails to state a claim pursuant to 42 U.S.C. § 1983 and Plaintiff did not file an amended complaint or otherwise respond to Judge Martinez' Order for Amended Complaint.

Judge Martinez also notified Plaintiff that she did not sign the Application to proceed *in forma pauperis* as required by Rule 11(a) of the Federal Rules of Civil Procedure and that the Court must strike the Application if Plaintiff does not promptly sign the Application. *See* Order for Amended Complaint at 1-2. The Court strikes Plaintiff's Application to proceed *in forma pauperis* because Plaintiff did not sign the Application by the July 3, 2024, deadline.

IT IS ORDERED that this case is **DISMISSED without prejudice**. The Court **STRIKES** Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. 2, filed June 10, 2024.

/s/
WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE